

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF INDIANA
HAMMOND DIVISION**

UNITED STATES OF AMERICA

Plaintiff,

v.

CASE NUMBER: 2:16 CR 178

Richard E. Gearhart

Defendant

**MOTION FOR AN EXTENSION OF TIME TO
RESPOND TO PRESENTENCE REPORT**

Comes now the Defendant Richard E. Gearhart, by counsel Kerry C. Connor, and requests an extension of time until April 13, 2020 to respond to the draft Pre-Sentence Report (PSR) filed on March 6, 2020. In support of this request, counsel states:

1. On December 18, 2019, Richard Gearhart entered a guilty plea to one-count of a seven-count Indictment, charging him with conspiracy to commit securities fraud in violation of 18 U.S.C. § 371. The plea agreement to which Mr. Gearhart entered a guilty plea provides for an agreed sentence of incarceration but does not resolve the issue of restitution.

2. The Draft Pre-Sentence Report (PSR) was prepared on March 6, 2020. The report asserts a restitution amount of over \$5 million. Mr. Gearhart has requested additional information from the government related to the request for restitution in the PSR.

3. On April 3, 2020, the government responded to the defense's request for additional information and submitted a revised loss table. The table removed some alleged victims and added/clarified others. This table is also significant to restitution.

4. On April 6, today's date, counsel had the opportunity to review the newly revised loss table by telephone with Mr. Gearhart. The conversation was very productive; however, counsel is attempting to identify and gather supportive information for our intended corrections. Due to the COVID-19 situation, communicating remotely and gathering identified information that is not in-hand is unusually slow and painstaking. Therefore, Mr. Gearhart is asking for additional time to respond.

5. The government by AUSA Toi Houston does not object to this request.

WHEREFORE, Richard Gearhart, by counsel, requests an extension of time until April 13, 2020 to respond to the draft PSR.

Respectfully submitted,

/s/ Kerry C. Connor
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CERTIFICATE OF SERVICE

I hereby certify that on April 6, 2020, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which sent notification of such filing to all counsel of record.

/s/ Kerry C. Connor
Kerry C. Connor